

Children (Care, Care Experience & Services Planning) Bill: Call for Views



Introduction

A Children's Bill was introduced on 17 June 2025. The Government has decided that some reforms recommended by the Independent Care Review for children & young people require legislation and the Bill contains these.

The Education, Children & Young People Committee will begin scrutiny of the Bill in September. It has issued a Call for Views with a deadline of 15 August to which UNISON will be responding. This briefing gives an overview of the Bill contents.

Context

The [Independent Care Review](#) (ICR) for children and young people reported in 2020 ([The Promise](#)). The Scottish Government pledged to implement its recommendations in full by 2030. The organisation [The Promise Scotland](#) was created to lead and support care reform implementation by children's services organisations. An independent Oversight Board [published its 3rd report](#) in Feb 2025, assessing progress at the halfway point.

A raft of work fed into the Bill. This includes the *Independent Review of the Children's Hearings System* led by Sheriff Mackie (reported 2023) and the 2024 *Future of Foster Care* consultation.

The Bill widens eligibility to request aftercare support to anyone who left care before their 16th birthday

- Current eligibility is for those who left care *on or after* their 16th birthday, to have a right to request aftercare up to age 26. After care constitutes advice, guidance and assistance to secure housing, access education & employment & maintain financial health.
- Receipt of this is subject to a needs assessment by a local authority. The Bill expands the group of people to whom local authorities have a duty to conduct a needs assessment, and a duty to provide support to, should individuals be found to have 'eligible needs'.
- It extends this right to request after care to anyone who was looked after at any point before their 16th birthday, as well as those who have left secure care before age 16, to unaccompanied asylum-seeking children who arrive before age 16, and disabled children & young people who have received care before age 16.
- It extends the scope of corporate parenting duties to those aged under 26 who entered and left care at any point in their life.

The Bill introduces a legal right to *lifelong* independent advocacy

- This legal right will apply to all children, young people and adults with care experience.
- The Bill simply places a duty on Ministers to make provision for this by introducing Regulations.

KEY POINTS:

- A Children's Bill has been introduced to reform aspects of the care system for children & young people.
- It includes measures to tackle profit from the care of looked after children.
- Proposals to widen eligibility for after care have implications for social work services.
- IJBs are being given a statutory role in Children's Services Planning
- A Call for Views is open until 15 August.



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The Bill provides for Guidance in relation to ‘care experienced’ individuals

- Ministers will be required to publish guidance setting out consistent language/terminology in relation to care experienced children & adults.
- It will introduce a single consistent definition for use by all public authorities for determining eligibility and administering support and services to this group. It will not replace existing statutory definitions.

The Bill takes steps to tackle profit extraction from residential childcare and foster care services. However the Bill measures for residential care do not achieve this (See Briefing 161 for more details)

The ICR called for an end to profit from the care of looked after children. The Bill introduces the following measures:

Fostering services:

- It changes the existing registration requirements, so Independent Fostering Agencies (IFAs) **must be charities registered in the UK**.
- A transition period of 18-24 months will be allowed for existing IFAs to adapt and complete the charity registration process. Failing this registration will be cancelled.
- It allows Ministers to add to or alter the definition of a charity in future through Regulations.

Residential care homes:

- It requires providers to supply the government with financial information about their operations and do so on an annual basis. The detail of these financial transparency requirements, and any penalty for failure to comply, will be set out by Ministers in regulations.
- Gives Ministers the power to make regulations to limit profit being made from children’s residential care. Ministers will use the financial information supplied by providers to assess the levels of profit being made and judge the need for a profit cap to be imposed.
- Before imposing or modifying a profit cap Ministers must ‘have regard to’ the wellbeing of looked after children, the interests of local authorities, and the interests of providers “(including the opportunity to make a profit)”.

The Bill creates a National Register for foster carers

The Bill gives Ministers the power to create a National Register. This will require Regulations. The aim is to increase safeguarding, highlight where more foster carers are needed, improve the status of foster carers & bring them in line with other registered & regulated parts of the children’s workforce, improve transparency of approval history & fostering status across agencies, provide good national data on foster carers to inform recruitment and policy, enable local authorities to find and commission placements better, and provide a national platform for foster carer training and development.

The 2024 Future of Foster Care consultation found both strong support for and strong concerns against a national register, although the balance of responses overall was in favour.

The Bill implements a redesign of the Children’s Hearings System

- **Allows for single member panel hearings** & pre-hearings *in certain circumstances only*.
- **Enables the remuneration of certain children’s panel members** - Chairing Members and “specialist” panel members - only in certain defined circumstances.
- **Removes the child’s obligation to attend** their hearing and proceedings before the sheriff, while still retaining the child’s right to attend & for attendance to be required where needed.
- **Makes changes to the process for establishing grounds** to improve the child’s experience
- **Makes changes to the participation of relevant persons**, where their attendance is likely to cause serious harm to the child
- **Amends the threshold for referral** to the Reporter to help reduce unnecessary referrals.
- **Information provision**: places duties on public agencies to provide children with advance information about the referral, the hearings process and child advocacy services available
- **Changes the maximum duration of interim compulsory supervision orders** & interim variation of CSOs.

The Bill gives Integration Joint Boards a statutory role in Children's Services Planning

- The Bill extends to IJBs the statutory duty currently placed on local authorities and health boards. Currently IJBs fall into the category of 'other service providers' who must be *consulted* in the preparation of Children's Services Plans and this input is said to vary.
- The Bill creates a 'tripartite' accountability for preparing, reviewing, implementing and reporting on Children's Services Plans.
- As IJBs are responsible for adult services, the rationale is to improve the join up between children's and adult services needed for good whole family support and to improve children's transition to adult services.

The wider context is Government's wish for all children's services planning and decision-making to shift from elected local authorities to IJBs. Currently of the 30 IJBs, 10 have children's services in their integration schemes. Mandatory delegation of children's services to IJBs was part of the Government's original National Care Service bill. While Ministers abandoned the Bill, they reaffirmed their determination to shift decision-making responsibility for children's services out of local authorities as a longer-term goal.

Giving IJBs a statutory role in Children's Services Planning can be seen as a step towards this. The Policy Memorandum explains that "by strengthening the legal duty, it would further ensure the IJBs central role in the strategic planning landscape", extending this to children's services in all parts of Scotland." (p.52). Indeed, it states: "The Scottish Government considers the Bill provision has the potential to be a helpful first step towards streamlining of the planning and reporting landscape in relation to children and families policy" (p53).

Financial implications

The total annual reoccurring cost of the Bill measures is estimated at between £20.7m - £23.8m by 2028/29. The 3 largest components of this relate to extending eligibility for after care services, expanding provision of advocacy services, and the reforms to the Hearings System. The main cost of extending the right to after care will fall on local authorities and the Government says these will be met in full through the Local Government Settlement. The preferred service model for advocacy services has not been determined.

Summary

UNISON's Social Work Issues Group will discuss the Bill measures and UNISON will be responding to the consultation.

Action for branches

- Please circulate this briefing to your social work members and stewards. Please discuss the contents and send feedback direct to Susan Galloway: s.galloway@unison.co.uk by **8 August** at the latest.
- Please liaise with your council leader & elected members regarding the concerns about the additional statutory responsibilities being given to IJBs and whether this will weaken democratic control over Children's Services.

Additional reading

- [Children's Bill documents](#)
- [Call for Views](#)
- [UNISON response – Future of Foster Care](#)
- [Consultation analysis: Future of Foster Care](#)
- [Redesign Report on the Children's Hearings System](#)
- [Children's social care market study final report - GOV.UK](#)
- [Welsh Govt acts to remove profit from children's social care](#)